

# EXHIBIT A



# Tarrant County District Clerk Online

Thomas A. Wilder, District Clerk

Civil Case and Transaction Information

10/15/2021 2:13 PM

Court : 153 Case : 328121 Search New Search ☐ Show Service Documents ONLY

Cause Number : 153-328121-21

Date Filed : 08-30-2021

ALMAZ CARLO IVERY | VS | LAVICKY SAND CO., INC, ET AL

Cause of Action : INJURY OR DAMAGE, INVOLVING MOTOR VEHICLE

Case Status : PENDING

File Mark	Description	Assessed Fee	Credit/Paid Fee
08-30-2021	<u>PLTF'S ORIG PET</u>	N	<u>\$289.00</u>
08-30-2021	<u>PAYMENT RECEIVED trans #1</u>	Y	<u>\$289.00</u>
08-30-2021	<u>CIT-ISSUED ON LAVICKY SAND CO INC- On 09/03/2021</u>	N Svc	<u>\$8.00</u>
08-30-2021	<u>CIT-ISSUED ON TOMMY ROY MOORE-On 09/03/2021</u>	N Svc	<u>\$8.00</u>
08-30-2021	<u>PAYMENT RECEIVED trans #4</u>	Y	<u>\$8.00</u>
08-30-2021	<u>PAYMENT RECEIVED trans #3</u>	Y	<u>\$8.00</u>
10-01-2021	<u>SVC RETURN-LAVICKY SAND CO INC</u>		<u>\$0.00</u>
10-01-2021	<u>SVC RETURN-TOMMY ROY MOORE</u>		<u>\$0.00</u>
10-01-2021	<u>CIT Tr# 4 RET EXEC(TOMMY ROY MOORE) On 09/25/2021</u>		<u>\$0.00</u>
10-01-2021	<u>CIT Tr# 3 RET EXEC(LAVICKY SAND CO INC) On 09/25/2021</u>		<u>\$0.00</u>

153-328121-21

FILED  
TARRANT COUNTY  
8/30/2021 1:35 PM  
THOMAS A. WILDER  
DISTRICT CLERK

**CAUSE NO.**

**ALMAZ CARLO IVERY**

§  
§  
§  
§  
§  
§  
§  
§  
§

**IN THE DISTRICT COURT**

**PLAINTIFF,**

**v.**

\_\_\_\_\_ **JUDICIAL DISTRICT**

**LAVICKY SAND CO., INC AND TOMMY  
ROY MOORE**

**DEFENDANTS.**

**TARRANT COUNTY, TEXAS**

---

**PLAINTIFF'S ORIGINAL PETITION**

---

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Almaz Carlo Ivery, ("Plaintiff") and files this her Plaintiff's Original Petition complaining of Lavicky Sand Co., Inc. and Steven L. Moore ("Defendants") and for cause of action would respectfully shows as follows:

**I.**

**DISCOVERY CONTROL PLAN**

1. Plaintiff intends for discovery to be conducted under Level 3 of Rule 190.4 of the TEXAS RULES OF CIVIL PROCEDURE.

**II.**

**PARTIES AND SERVICE OF PROCESS**

2. Plaintiff Almaz Carlo Ivery is an individual residing in Tarrant County, Texas.

3. Defendant Lavicky Sand Co., Inc. is a domestic for-profit Corporation operating in the State of Oklahoma. Defendant can be served with process through its registered agent for service, Donald O. Lavicky, 518 South Polk, Enid, Oklahoma 73701, or wherever he may be found.

4. Tommy Roy Moore is an individual residing in Garfield County, Oklahoma. He can be served with process by personal service at its residence, 2209 Sherry Lee Avenue, Enid, Oklahoma 73703, or wherever he may be found.

### **III.** **VENUE**

4. The subject matter and the amount in controversy are within the jurisdictional limits of this Court. The Texas Rules of Civil Procedure require Plaintiff to plead that his case falls under a particular category. In order to comply with this procedural requirement, Plaintiff pleads pursuant to Tex. R. Civ. P. 47, that Plaintiff seeks monetary relief over \$1,000,000, an amount within the jurisdictional limits of this Court. Plaintiff further seeks all other relief to which Plaintiff may be shown to be justly entitled.

5. Venue is proper in Tarrant County pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002(a)(4) because it is the location of Plaintiff's residence at the time this cause of action accrued.

### **IV.** **FACTS**

6. On or about April 16, 2020, Plaintiff was southbound on Interstate Highway 35, in the right hand lane. Defendant was traveling behind Plaintiff. The roadway was under construction and Plaintiff slowed her vehicle for traffic ahead. Defendant failed to control his speed and collided with the rear of Plaintiff's vehicle. As a result of the impact, Plaintiff sustained bodily injuries.

V.  
**CAUSES OF ACTION**

**Negligence**

8. Plaintiff incorporates herein by reference all allegations set forth in the preceding paragraphs.

9. On the date of the incident in question, Defendant Moore had a duty to exercise the degree of care that an ordinary person would have in operating the motor vehicle under the same or similar circumstances.

10. Defendant Moore breached that duty of care by one or more of the following acts and/or omissions:

- a. Failing to keep a proper lookout;
- b. Failing to take evasive action to avoid the collision complained of;
- c. Failing to drive in a single lane;
- d. Failing to control its vehicle;
- e. Failing to control its speed; or
- f. Failing to timely apply its brakes.

11. As a direct and proximate result of the foregoing acts and/or omissions, Plaintiff sustained damages within the jurisdictional limits of this Court.

VI.  
**RESPONDEAT SUPERIOR**

At the time of the accident, Defendant Moore was the agent, servant, and employee of Defendant Lavicky Sand Co., Inc. and was acting within the scope of his authority as such agent, servant, and employee. Defendant Lavicky Sand Co., Inc. is liable to Plaintiff for the negligence of Defendant Moore under the common law doctrine of *respondeat superior*.

**VII.**  
**DAMAGES**

12. Plaintiff incorporates herein by reference the allegations set forth in all preceding paragraphs.

13. As a direct and proximate result of the above-referenced acts and omissions of Defendants, Plaintiff would show actual damages within the jurisdictional limits of this Court as follows:

- a. Reasonable and necessary medical care and expenses which have been sustained from the time of the occurrence until the time of the verdict herein;
- b. Reasonable and necessary medical care and expenses which will be sustained in the future;
- c. Physical pain and mental anguish which has been sustained from the time of the occurrence until the time of the verdict herein;
- d. Physical pain and mental anguish which will be sustained in the future;
- e. Physical impairment which has been sustained from the time of the occurrence until the time of the verdict herein;
- f. Physical impairment which will be sustained in the future;
- g. Lost earnings or loss of earning capacity which have been sustained from the time of the occurrence until the time of the verdict herein; and
- h. Loss of earning capacity or lost earnings which will be sustained in the future.

**VIII.**  
**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendants be cited to appear and answer, and this case be tried and that Plaintiff have and recover the following from Defendant:

- a. Judgment against Defendant for a sum within the jurisdictional limits of this Court for all actual damages as indicated above;
- b. Pre-judgment interest at the maximum amount allowed by law;
- c. Post-judgment interest at the maximum rate allowed by law;
- d. Costs of suit; and
- e. Such other and further relief to which Plaintiff may be shown to be justly entitled.

Respectfully submitted,

**THOMPSON LAW LLP**  
3300 Oak Lawn Avenue, 3<sup>rd</sup> Floor  
Dallas, Texas 75219  
Tel. 214/755-7777  
Fax 214/716-0116



---

**RYAN H. ANDERSON**  
State Bar No. 24059380  
randerson@triallawyers.com  
**RYAN L. THOMPSON**  
State Bar No. 24046969  
rthompson@triallawyers.com

**ATTORNEYS FOR PLAINTIFF**

THE STATE OF TEXAS  
DISTRICT COURT, TARRANT COUNTY

FILED  
TARRANT COUNTY  
10/1/2021 12:45 PM  
THOMAS A. WILDER  
DISTRICT CLERK

CITATION

Cause No. 153-328121-21

ALMAZ CARLO IVERY  
VS.  
LAVICKY SAND CO., INC, ET AL

TO: LAVICKY SAND CO INC

B/S REG AGENT-DONALD O LAVICKY 518 S POLK ENID, OK 73701-

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 153rd District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

ALMAZ CARLO IVERY

Filed in said Court on August 30th, 2021 Against  
LAVICKY SAND CO INC, TOMMY ROY MOORE

For suit, said suit being numbered 153-328121-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

RYAN H ANDERSON  
Attorney for ALMAZ CARLO IVERY Phone No. (214)755-7777  
Address 3300 OAK LAWN AVE 3RD FLR DALLAS, TX 75219

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 3rd day of September, 2021.

By

*Emma Munoz*

EMMA MUNOZ



A CERTIFIED COPY  
ATTEST: 09/03/2021  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: 1st Emma Munoz

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM, on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN \*15332812121000003\*

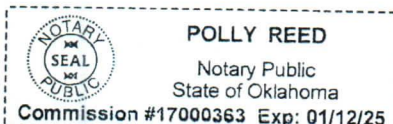
Received this Citation on the 21st day of September, 2021 at 1 o'clock PM; and executed at 215 S. Hennessey, Enid within the county of Garfield, State of OK at 1:35 o'clock PM on the 25th day of September, 2021 by delivering to the within named (Def.): Donald Lavicky / Lavicky Sand defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: Edward R. Reed  
County of Garfield State of OK By [Signature]

Deputy Private  
Process Server

Fees \$ 750 2020-3  
State of Oklahoma County of Garfield (Must be verified if served outside the State of Texas)  
Signed and sworn to by the said Edward R. Reed before me this 25th day of Sept, 2021  
to certify which witness my hand and seal of office  
(Seal) Polly Reed

County of Garfield, State of Oklahoma



5059



*CITATION*

---

Cause No. 153-328121-21

ALMAZ CARLO IVERY

VS.

LAVICKY SAND CO., INC, ET AL

ISSUED

This 3rd day of September, 2021

Thomas A. Wilder  
Tarrant County District Clerk  
100 N CALHOUN  
FORT WORTH TX 76196-0402

By EMMA MUNOZ Deputy

---

RYAN H ANDERSON  
Attorney for: ALMAZ CARLO IVERY  
Phone No. (214)755-7777  
ADDRESS: 3300 OAK LAWN AVE 3RD FLR

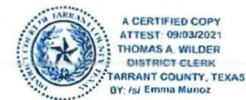
DALLAS, TX 75219

*CIVIL LAW*



\*15332812121000003\*

SERVICE FEES NOT COLLECTED  
BY TARRANT COUNTY DISTRICT CLERK  
ORIGINAL



**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 57795958

Status as of 10/1/2021 1:20 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Meganne Feula		mfeula@triallawyers.com	10/1/2021 12:45:29 PM	SENT

153-328121-21

THE STATE OF TEXAS  
DISTRICT COURT, TARRANT COUNTY

FILED  
TARRANT COUNTY  
10/1/2021 12:45 PM  
THOMAS A. WILDER  
DISTRICT CLERK

## CITATION

Cause No. 153-328121-21

ALMAZ CARLO IVERY  
VS.  
LAVICKY SAND CO., INC, ET AL

TO: LAVICKY SAND CO INC

B/S REG AGENT-DONALD O LAVICKY 518 S POLK ENID, OK 73701-

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 153rd District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

ALMAZ CARLO IVERY

Filed in said Court on August 30th, 2021 Against  
LAVICKY SAND CO INC, TOMMY ROY MOORE

For suit, said suit being numbered 153-328121-21 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

RYAN H ANDERSON

Attorney for ALMAZ CARLO IVERY Phone No. (214)755-7777

Address 3300 OAK LAWN AVE 3RD FLR DALLAS, TX 75219

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 3rd day of September, 2021.

By

EMMA MUNOZ



A CERTIFIED COPY  
ATTEST: 09/03/2021  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: 1st Emma Munoz

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM, on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

## OFFICER'S RETURN \*15332812121000003\*

Received this Citation on the 21st day of September, 2021 at 1 o'clock P M; and executed at 215 S. Hennessey, Enid within the county of Garfield, State of OK at 1:35 o'clock P M on the 25th day of September, 2021 by delivering to the within named (Def.): Donald Lavicky / Lavicky Sand defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: Edward R. ReedCounty of GarfieldState of OKBy Edward R. Reed

Deputy Private Process Server

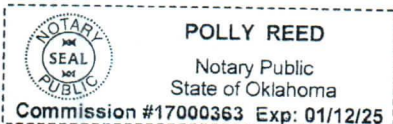
Fees \$ 750 2020-3State of Oklahoma County of Garfield

(Must be verified if served outside the State of Texas)

Signed and sworn to by the said Edward R. Reed before me this 25th day of Sept, 2021

to certify which witness my hand and seal of office

(Seal)

County of Garfield, State of Oklahoma

5059

*CITATION*

---

Cause No. 153-328121-21

ALMAZ CARLO IVERY

VS.

LAVICKY SAND CO., INC, ET AL

ISSUED

This 3rd day of September, 2021

Thomas A. Wilder  
Tarrant County District Clerk  
100 N CALHOUN  
FORT WORTH TX 76196-0402

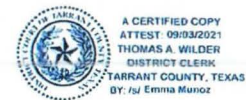
By EMMA MUNOZ Deputy

---

RYAN H ANDERSON  
Attorney for: ALMAZ CARLO IVERY  
Phone No. (214)755-7777  
ADDRESS: 3300 OAK LAWN AVE 3RD FLR

DALLAS, TX 75219

*CIVIL LAW*



\*15332812121000003\*

SERVICE FEES NOT COLLECTED  
BY TARRANT COUNTY DISTRICT CLERK  
ORIGINAL

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 57795958

Status as of 10/1/2021 1:20 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Meganne Feula		mfeula@triallawyers.com	10/1/2021 12:45:29 PM	SENT